

REMARKS

The Examiner has rejected claims 14-16, 18-26 and 28-29 under 35 USC § 102(e) as being anticipated by Jebens for the reasons set forth therein.

The Jebens patent discloses a digital management system wherein image providers 14 store images on a host system 10 whereby authorized users 12 can access and search the database. After a login procedure, the user enters input indicating that certain browser activities that are to be performed (see column 12, line 13-14). At a later point in time in the procedure, the user enters an order routine, see column 14, lines 10-26. In this routine, a work order is prepared by the user and sent to the host system, as set forth at column 14, lines 12-15 "as used herein, the term 'work order' refers to the set of data transmitted from a first user to the host system 10 requesting routing to a second user". A job order is assembled by the host system, see column 14, lines 55-57. The job order is routed to a second user. Column 14, lines 27-33 provides for the definition of job order. As can be seen, job order is developed by the host system 10 for routing to the second user. As set forth at column 14, lines 55-68, the appropriate files are gathered and forwarded to the receiving user specified in the destination instruction form.

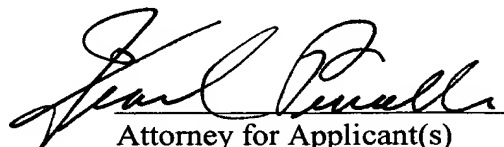
It is respectfully submitted that the Jebens reference is totally apart and distinct from that of the present invention. Independent claims 14 and 28 are directed to a method whereby goods may be ordered over a communication network. The method specifically includes the providing of a server for sending an e-mail to a receiving site of a customer over a communication network. The e-mail has a static section for containing static text and/or graphics, and a dynamic section for containing dynamic data. The static area includes static data that is viewed immediately upon opening the e-mail at the receiving site. However, as set forth by independent claims 14 and 28, the dynamic data is forwarded to the receiving site only upon opening of said e-mail at said receiving site. Thus, the information with regard to the dynamic section is not received until some later point in time. This is in contrast to the Jebens reference wherein the entire message is sent to the third party. The passage in Jebens at column 21, line 63-67 cited by the Examiner deals with the user entering data at the user's station for creation of the e-mail. This is not the same as the recipient receiving

the e-mail. The reference numeral 820 is simply the form that is used by the user for creating of the e-mail. Figure 10g simply illustrates the workflow of the host site, see column 22, lines 43-46. Figure 10I simply refers to the workflow at the host site, and reference numeral 860 is simply the order form that was prepared and filled out by the user. In view of the foregoing, Applicant respectfully submits that the Jebens reference does not teach or suggest the invention as set forth in independent claims 14 and 28. There is no teaching or suggesting of sending an e-mail having a static section that is provided with the e-mail and a dynamic section that obtains data only upon opening of the e-mail. Accordingly, it could not teach the features set forth in the dependent claims also rejected.

The Examiner also rejected claims 1-13, 17, 27 and 30-36 under 35 USC § 103(a) as being unpatentable over Jebens and further in view of U.S. Patent 63,88,732 to Williams et al. Independent claims 1, 27 and 30 all include the same limitation as previously discussed in that the e-mail is first sent to the recipient, the e-mail including a static section and a dynamic section and that the dynamic section is forwarded to the receiving site only upon opening of the e-mail at the receiving site. The Williams reference does not disclose or teach anything that would render the independent claims obvious. However, the Williams does not teach or suggest the providing of the e-mail having both the static and dynamic sections wherein the static section is first sent to the recipient and later the information for the dynamic section is sent only upon opening of the e-mail as taught and claimed by Applicant.

In summary, it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,


Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646